

Area North Committee – 26 February 2014

Officer Report On Planning Application: 13/05122/OUT

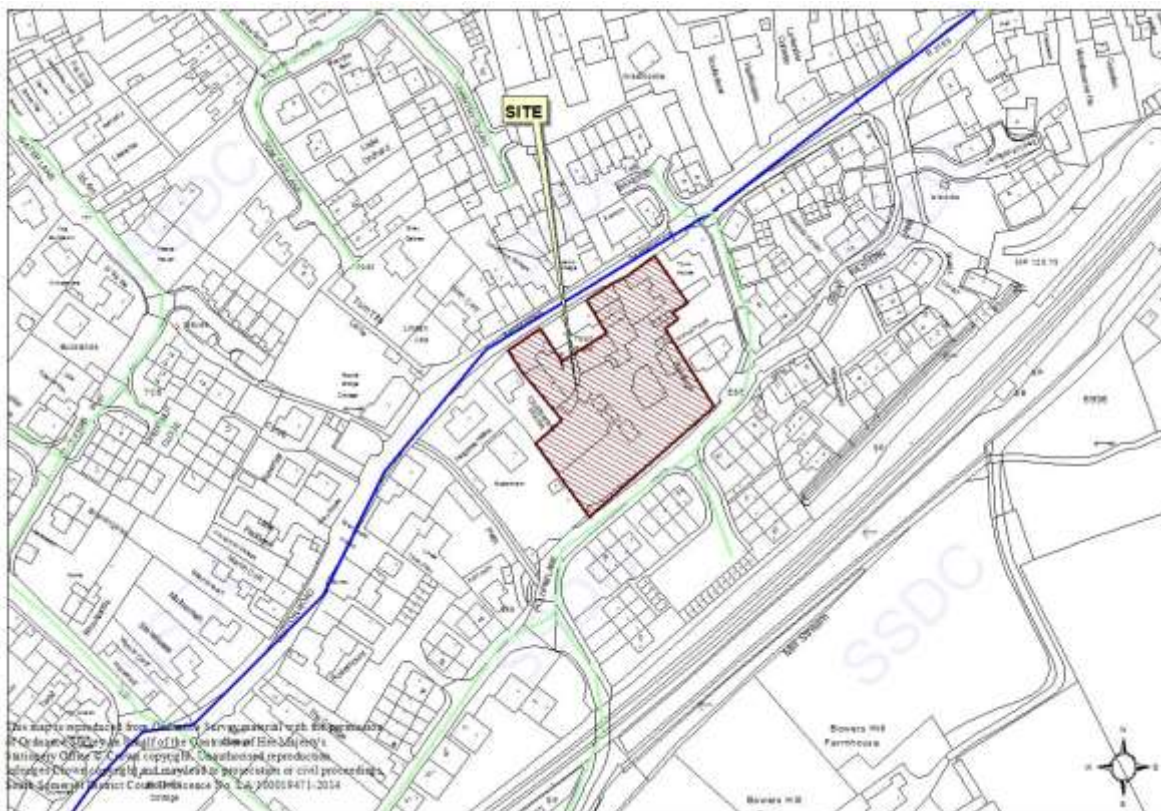
Proposal :	Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage/parking (GR: 348503/128397)
Site Address:	Town Farm, Sutton Road, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr P Clarke Cllr D J Norris
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	25th March 2014
Applicant :	Mr John & David Canvin
Agent: (no agent if blank)	Greenslade Taylor Hunt, 1 High Street, Chard, Somerset TA20 1QF
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline permission with all matters reserved for the residential development of this former farm site for up to 14 dwellings. The application is a very similar submission to extant permission 10/03245/OUT which was granted in May 2011 for the redevelopment of this site for up to 14 dwellings.

The application site is a former farm site that is located within Somerton's defined development area. The site sits between Sutton Road to the north and Polham Lane to the south and has road frontage on to both roads and is located within a predominantly residential area. The condition of the site is quite overgrown in places and the various former farm buildings on the site, which include traditional stone barns and steel framed buildings, are generally in a very poor state or repair. The site wraps around two cottages that face on to Sutton Road and have been excluded from the redline area. Vehicular access for the proposed development is proposed off Polham Lane, an unclassified road that is stepped down in height from the site. There are no significant trees on the site.

RELEVANT HISTORY

10/03245/OUT Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage / parking. Permitted August 2011.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites
 EP1 - Pollution and Noise
 EU4 - Water Services
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off-Site Provision
 CR4 - Provision of Amenity Open Space

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy
 Part 3 - Supporting a prosperous rural economy
 Part 4 - Promoting sustainable transport
 Part 6 - Delivering a wide choice of high quality homes
 Part 7 - Requiring good design
 Part 8 - Promoting Healthy Communities
 Part 10 - Meeting the challenge of climate change, flooding and coastal change
 Part 11 - Conserving and enhancing the natural environment
 Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Somerton Town Council - Recommend refusal. The scale of the development for up to 14 units is too intense for the site and its surroundings and would exacerbate existing problems regarding the inadequate road system on all the approaches to the site, vehicle parking and drainage problems (both foul and surface water) in the Polham Lane area. All of these issues will be made worse by such a high number of units being built on this site.

County Highways - Referred to their comments for the previous application. Under the previous application they raised no objection to the scheme subject to the imposition of conditions seeking estate road details, formation of a vehicular and pedestrian connection to each dwelling prior to occupation, restriction on use of garage to private use only and to keep the parking areas clear from obstruction.

County Archaeology - No objections

Climate Change Officer - We should now expect renewables to be explicitly described in broad terms, even at outline stage, especially for developments of this size as they will impact on the layout and appearance of the development. There is no mention in any of the plans or documents of renewable energy technologies.

Environmental Protection - No observations

Environment Agency - No objection subject to a condition relating to water efficiency and various informatives.

Wessex Water - Raised no objections or capacity concerns.

Conservation Officer - I suggested at the time of the earlier application that some of the stone former agricultural buildings on the Sutton Road frontage should be retained and converted, I remain of that view. The frontage barns either side of Croxley and Town Farm are of local interest, contribute to the character of the street and give context to the farmhouse. A sensitive conversion would retain this interest and aspect of local distinctiveness as encouraged by the NPPF.

Landscape Officer - No objection to the principle given the context of the site within the curtilage of development Somerset with residential properties at medium densities to all sides.

I appreciate that the precise layout of the site is yet to be determined, however, the illustrative block plans indicate a layout with strong street frontage, which is in keeping with the character of the town. I note that front gardens to the southeast are indicated as grass strips, should this application be approved then I recommend that when the detailed application is made that low stonewalls area utilised to define those areas facing Polham Lane consistent with the local character.

Ecology - In general the species present are of low conservation significance and not sufficient to prevent the principle of developing this site, however, further surveys and mitigation proposals should be secured by condition, including:

- Details of mitigation in relation to bats;
- Details relating to vegetation clearance of the site along the lines of recommendation 6.8 of the survey report;
- An up to date badger survey;
- Survey and mitigation details in relation to reptiles;
- Restrict the removal of vegetation, or any works or demolition being carried out to buildings and structures that may be used by nesting birds between 1st March and 31 August; and
- Details of measures for the enhancement of biodiversity.

Somerset Wildlife Trust - Support proposals for enhancements with the provision of bat tubes and boxes, however, there are no recommendations in respect of preventing light pollution as part of any external lighting schemes which is particularly important in view of the known presence of bats in the area. Slow worms may be present on the site however there has been no survey to establish this one way or another, we therefore recommend that the decision is delayed until a survey has been undertaken. Similarly there are indications of the possible presence of badgers on the site but no data to back this up and references made to birds nesting on site but no recommendations for nest boxes etc. We would also like to see recommendations for landscaping and planting to make use of native species to support and encourage wildlife. We consider that there is a lost opportunity to include wildlife corridors and additional landscaping and green spaces.

County Education - No comments received.

Police Liaison - No comments received.

Leisure Policy - Our requirements for the previous application remain equally valid for the current application, and comprises financial contributions of £5,276.79 per dwelling (equating to an overall total of £73,875.03) to go towards the provision and maintenance of off-site equipped play and youth facilities and changing rooms which can be broken down as:

- £39,376 for local facilities;
- £22,491 for strategic facilities;

- £11,277 as a commuted sum towards local services;
- £731.44 as the Community Health and Leisure Service administration fee.

REPRESENTATIONS

Written representations have been received from eight local residents raising the following concerns:

Drainage and flooding:

- There is an existing drainage problem at the bottom of Polham lane which has led to damage to the road surface, flooding in the road and contamination from foul sewage. No successful remedial action has yet been undertaken to solve these problems.
- Two new bungalows have been built at Rosenheim which already results in further water run-off. This proposal for 14 houses can only make the situation worse.
- In more recent times there has also been flooding in our shared garage area with flood water even entering some of the garages.
- The existing sewage system is already struggling to cope.
- Permeable surfacing should be used for the new development to reduce run-off.

Highway safety:

- The access is in the wrong place and should be on to Sutton Road. Polham Lane and Great Western Lane have become a through route for local farmers, builders and the trading estate adding to traffic congestion.
- On-street parking is already very strained in the area as a result of employees from the nearby trading estate and increased number of vehicles blocking the access at the western end of Polham Lane and endangering safety. The proposed scheme will only add to this problem.
- It is now impossible to park outside the front of our homes during the working week.
- There should be at least four parking spaces provided per household not two as proposed.
- On-street parking in Sutton Road is quite hazardous to pedestrians and car owners exiting existing properties along this road. A pedestrian access on to Sutton Road from the site will add to this problem by encouraging residents to park here.
- Where will all the construction vehicles and lorries park?
- The approach roads to the site are narrow and dangerous.

Over-development:

- The density is too great.
- Insufficient garden space.
- The site is not large enough to safely and sensibly accommodate 14 houses along with all the associated parking and amenity requirements.

Residential amenity:

- Loss of light. Dwellings 1-3 are to be built on the site of existing barns and will have much higher roof lines leading to loss of light to houses on the opposite side of Sutton Road. This will also affect how much passive solar gain they receive.
- The development will over shadow properties on the south side of Polham Lane

due to the site's elevated position.

Ecology:

- We are aware that there are badgers, slow worms and bats living on the site, what provision will be made to protect their habitat.
- The site is home to a vast variety of birds and wildlife.

Other matters:

- This will devalue my property.

CONSIDERATIONS

This application is seeking outline permission with all matters reserved for the residential development of this former farm site for up to 14 dwellings. The application is almost identical to extant permission 10/03245/OUT which was granted in May 2011 for the redevelopment of this site for up to 14 dwellings, the only difference is that the two cottages to be retained, Croxley and Town Farm, have this time been excluded from the redline area.

Principle:

The site is located within the defined development area of Somerton, where the principle of new residential development is considered to be acceptable.

Density and Visual amenity:

The Town Council has objected to the density of the proposed development, stating that 14 units on the site is too dense for the site and out of keeping with the density of surrounding residential areas. The density of up to 14 dwellings on a site that is 0.39 hectares is quite high however it is considered that in principle this would be commensurate with that of surrounding development such on the opposite side of Polham Lane, and on the adjacent site at Hardings Court. On this basis it is difficult to object to the proposal at this stage based on the suggested density. Members are reminded that this is an outline application and that the layout would be finalised at the reserved matters stage when an assessment of parking, amenity space and landscaping will be made.

Concern has been raised by the Conservation Officer with regard to the loss of the stone farm buildings on the site. Whilst it is accepted that these buildings contribute to the character of the area, they are not listed or within a conservation area and in any case their loss has already been accepted through the existing permission. Further to this it can be noted that the application is accompanied by a structural survey, which was commissioned for the previous application, and sets out such an extensive level of works to bring the principle roadside buildings into use that in effect this would amount to the rebuilding of these structures. It is therefore difficult to justify insisting that these buildings be retained.

For these reasons this outline application raises no substantive density or visual amenity concerns.

Highways safety:

It is noted that a number of local residents and the Town Council have raised concerns with regard to the proposed access arrangements and the narrow, congested approach

roads leading to the site, high level of on-road parking in the area and associated highway safety concerns. Notwithstanding these comments and that the application is for outline permission only, the highway authority has raised no objection to the indicative layout plan which shows the vehicular access coming off Polham Lane to the south. The indicative access and layout details submitted are no different to those set out under the current approval and it is considered that these arrangements offer an appropriate approach and means of access for a development of this size. The applicant will need to demonstrate that adequate on-site parking can be provided at reserved matters stage to ensure that the proposal will not add to further exacerbate the existing on-street parking issues.

Residential amenity:

A couple of adjacent residents have raised concerns that the proposed development might lead to a loss of light to their property. Whilst the re-development of this site will undoubtedly lead to some impact to the amenities of neighbouring properties, the layout plan submitted is illustrative only and it would not be reasonable to refuse this application at this stage based on the information currently available for reasons of loss of neighbour amenity.

Drainage and flooding:

The application site is located in flood zone 1, the lowest potential flood risk, however it is noted that the area to the south, i.e. where Polham Lane passes beneath the railway bridge, is within flood zones 2 and 3 and therefore recognised to be at high risk of flooding. It is further noted that a number of local residents and the Town Council have raised concerns that the proposed development could exacerbate existing flooding and drainage issues in the area.

A Flood Statement and Flood Risk Assessment accompanied the application and the Environment Agency and Wessex Water have both commented and raised no objections to the principle of the scheme or advised of any foul sewage capacity concerns. There is no evidence to suggest that the development of this site would add to any existing flood and drainage concerns in the area and provided a condition to secure foul and clear drainage details forms part of any permission the application is considered to accord with the aims and objectives of the NPPF and the local plan in this regard.

Ecology:

Concern has also been raised over the potential impact of the development on wildlife on the site, especially bats and badgers. A wildlife survey by Country Contracts carried out in September 2013 was submitted with the application. The survey identified that various wildlife use the site including bats, nesting birds and that there was potential for badgers and slow worms to be active on the site. The council's ecologist however has confirmed that the wildlife possibilities identified do not present a significant constraint subject to a number of conditions.

Planning Obligations:

The scheme falls below the threshold for incorporating affordable housing and, as with the last application, the education authority has sought no education contributions.

The scheme will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,276.79 per dwelling (equating to an overall total of £73,875.03) which can be broken down as:

- £39,376 for local facilities;
- £22,491 for strategic facilities;
- £11,277 as a commuted sum towards local services;
- £731.44 as the Community Health and Leisure Service administration fee.

Provided these contributions are secured by way of a Section 106 Agreement the application is considered to comply with Policy ST10 of the SSLP. The applicant has raised no objection to these contributions. Accordingly should this application be approved a Section 106 agreement will be necessary secure these off-site contributions.

Other matters:

The Climate Change Officer has objected to the proposal due to the lack of information for the provision of renewable energy on site. Whilst his comments are noted these issues relate to the detailed design of the scheme and are matters to be dealt with at reserved matters stage.

A local resident has expressed concern that the scheme will devalue their property, this is a matter however that can be afforded minimal weight in the determination of a planning application.

Conclusion

For the reasons set out above, this outline application is considered to represent an appropriate use of this site whilst raising no substantive visual amenity, residential amenity, drainage, flooding, ecology or highway safety related concerns that might justify withholding outline planning permission. All outstanding matters of detail would be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions to be sought through a Section 106 Agreement. Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with the aims and objectives of the NPPF and Policies ST5, ST6, ST10, EC7, EC8, EP1, EU4, CR2, CR3 and CR4 of the South Somerset Local Plan and is recommended for approval.

RECOMMENDATION

Permission be granted subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
 - (a) financial contributions towards offsite recreational infrastructure of £73,875.03 broken down as:
 - £39,376 for local facilities;
 - £22,491 for strategic facilities;
 - £11,277 as a commuted sum towards local services;
 - £731.44 as the Community Health and Leisure Service administration fee.
 - (b) a monitoring fee to the satisfaction of the Development Manager.

For the following reason:

The proposed development represents an appropriate reuse of this derelict farm site without demonstrable harm to visual or residential amenity, ecology, drainage, flooding or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved Policies ST5, ST6, ST10, EC7, EC8, EP1, EU4, CR2, CR3 and CR4 of the local plan.

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The reserved matters shall be submitted in a single comprehensive application for the entire site and shall not include more than 14 dwellings.

Reason: To prevent piecemeal development of the site as no provision of affordable housing has been made, in accordance with Policy HG7 of the South Somerset Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plan drawing number 1656-01 Revision B

Reason: For the avoidance of doubt and in the interests of proper planning.

04. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicles overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

05. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

06. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

07. Before any of the development hereby permitted is commenced details of the finished floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual and residential amenity of the area, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

08. None of the dwellings shall be commenced until works for the disposal of surface and foul water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate discharge in accordance with Policy ST5 of the South Somerset Local Plan.

09. The development hereby permitted shall not be commenced (including any demolition) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

10. All demolition and site clearance works shall be carried out in accordance with the details set out within paragraph 6.8 of the 'Re-survey for Protected Species' report dated September 2013 by County Contracts, unless otherwise agreed in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

11. Prior to the submission of any reserved matters application an updated badger survey and, where appropriate, a detailed badger mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Once approved such strategy shall inform the layout of development and any on-going measures shall be implemented and retained at all times.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

13. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with the NPPF.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (The Conservation (Natural Habitats) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and guidance on the application for this licence.
02. You are reminded of the Council's Ecologist's comments with regard to any clearance or demolition works or removal of vegetation, that such works should not be undertaken between 1st March and 31st August if there is a possibility that they are used by nesting birds, unless they have been previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.
02. Please refer to the advice and guidance set out within the Environment Agency's letter dated 10/09/2010.